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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,692	05/25/1999	SUBAN G. KRISHNAMOORTHY	PD98-2385	1777

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EXAMINER

CHOUDHARY, ANITA

ART UNIT - PAPER NUMBER

2153

DATE MAILED: 05/20/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/318,692

Applicant(s)

KRISHNAMOORTHY ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

The amendment filed on March 10, 2004 has been entered. New claims 35-55 are added. Claims 1-34 have been cancelled.

Claims 35-55 are presented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the storage system" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohara et al. (US 6,438,643).

Ohara teaches a program transmitting device for transmitting program to a processing device (see abstract, col. 49-59). Ohara shows:

Receiving, at a client, from the server (fig. 1, manager G), a first list of storage devices connected to the storage system (col. 16 lines 13-37),

Receiving, from a user, a second list of storage devices selected from the first list of storage devices (col. 17 lines 46-53);

Validating at least one storage device on the second list of storage devices (fig. 3, col. 18 lines 4-21, fig. 6, S59, S61);

Transferring the firmware file to at least one agent on the server (col. 19 lines 29-65, fig. 6 S65); and

Instructing the at least one agent on the server to download the firmware to the at least one storage device (col. 14 lines 64- col. 15 lines 10).

In referring to claim 37, Ohara shows user selecting from a second list of storage devices displayed from a first list of storage devices to the user in a user interface that enable the user to select at least one storage device from the first list of storage device (fig. 10).

In referring to claim 38, Ohara shows validating at least one storage device on the second list comprises comparing an inquiry string from the firmware file with an inquiry string from a

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firmware file resident on a storage device on the second list of storage devices (col. 18 lines 4-21).

In referring to claim 39, Ohara shows validating at least one storage device on the second list comprises determining whether the at least one storage device on the second list of devices comprises determining whether the at least one storage devices is capable of implementing a firmware update (col. 26 lines 54-61).

In referring to claim 40 and 48, Ohara shows, validating at least one storage device on the second list comprises storing a device identifier associated with a validating device in a data field in the firmware file (col. 16 lines 24-26).

In referring to claim 41, Ohara shows, comprising removing from the second list a storage device that cannot be validated or updated (col. 11 lines 48-55).

In referring to claim 43, Ohara shows, transferring a firmware file to at least one agent on the server comprises transferring a firmware file that includes instructions for downloading the firmware file from the agent to the storage device (col. 14 lines 64- col. 15 lines 10).

In referring to claim 44, Ohara shows:

Receiving at a server, a request from a client to update firmware file on one or more storage devices in the computer system (col. 15 lines 60-63).

Transmitting from the server to the client a first list of storage devices visible to the server (col. 15 lines 60-63);

Receiving from the client a second list of storage devices including at least one storage device from the first list of storage devices, a firmware file,

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Instructing and process for initiating to download the firmware file to the at least one storage device on the second list of storage devices (col. 14 lines 64- col. 15 line 10).

In referring to claim 45, Ohara shows instantiating an agent (information obtaining routine) on the server; and registering the agent with an agent manager (manager G) (col. 16 lines 13-17).

In referring to claim 46, Ohara shows agent manager (manager G) periodically pings the agent instantiated on the server, and un-registers the agent if the agent is unavailable (col. 15 lines 66- col. 16 line 12).

In referring to claim 49, Ohara shows identifying storage devices visible to the server comprises scanning a peripheral bus (col. 16 lines 1-12).

In referring to claim 50, Ohara shows,

Retrieving, from the receiving firmware file, a series of commands for downloading the firmware file to a storage device and executing the server series of commands (col. 16 lines 56-65).

In referring to claim 51, Ohara shows, further comprising downloading the firmware file in the fixed-length increments contemporaneously to multiple storage devices (col. 16 lines 56-65).

In referring to claim 52, Ohara shows, locking the storage device during the firmware download process (col. 26 lines 4-8).

In referring to claim 53, Ohara shows, verifying the firmware download (col. 26 lines 54-61).

In referring to claim 54, Ohara shows, retrieving a data field from the firmware file downloaded to the at least one storage device; and comparing the retrieved data field to a corresponding data field in the firmware file received from the client (col. 26 lines 66- col. 27 line 8).

In referring to claim 55, Ohara shows, agent monitors a storage device and reports a storage device status change to a client (status 103, fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohara (US 6,438,643) in view of Ohara (US 6,694,376) (hereinafter referred to as Ohara '376).

Although Ohara (US 6,438,643) shows substantial features of the claimed invention, Ohara (US 6,438,643) does not show password validation. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Ohara (US 6,438,643) as evidenced by Ohara '376.

In an analogous art Ohara '376 shows a system for transmitting firmware files to a device wherein user is queried for a password, and password from the user is compared with the password stored in a header of the firmware file to validate the user (col. 13 lines 26-43).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Ohara (US 6,438,643) to employ the features shown by other Ohara '376, in order to facilitate security measures when transferring sensitive file information.

Claim 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohara (US 6,438,643) in view of Hayes Jr. (US 6,105,066).

Although Ohara (US 6,438,643) shows substantial features of the claimed invention including validating the client with the agent manager (fig. 3 col. 18 lines 4-21), Ohara does not show applet executing on client. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Ohara as evidenced by Hayes.

In an analogous art, Hayes shows a system for central application management, where in established communications connection is between agent and an applet executing on client (col. 6 lines 15-58). Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Ohara to employ the features shown by Hayes, in order to run downloads on a users Java enabled web browser.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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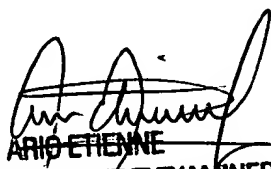
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
May 17, 2004


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